

Hazardous Materials Commission

Draft Minutes

Planning and Policy Development Committee

February 17, 2021

Members and Alternates:

Present: Jonathan Bash, Mark Hughes, George Smith, Heather Youngs (alternate),

Absent: Jim Payne, Mark Ross, Don Bristol

Staff: Michael Kent, Matt Kaufmann, Cho Nai Cheung, Karine Abramians, Ellen Dempsey, Devra Lewis,

Members of the Public: Jan Warren

Commissioner Hughes called the meeting to order at 4:03

1) Announcements:

Michael Kent announced:

- The Department of Conservation and Development is holding a series of public meetings to receive input on the Environmental Justice component of the General Plan update. The third meeting on February 17th will address air pollution and hazardous waste issues.
- The Industrial Safety Ordinance Ad Hoc committee of the Board of Supervisors will discuss the Chevron oil spill incident of February 9, 2021 at their February 23, 2021 meeting.

2) Public Comments: None

3) Approval of Minutes:

The minutes from the January 20, 2021 meeting were moved by Commissioner Smith, seconded by Commissioner Hughes and approved 3 - 0 with corrections.

4) Old Business:

- a) Review and develop recommendations concerning Sea Level Rise based on the Commodity Flow Study and previous recommendations prepared by the Hazardous Materials Programs.**

Ellen Dempsey from the Hazardous Materials Program began the discussion by stating that she feels that collaboration with partners is needed to address the potential impacts from Sea Level Rise (SLR), particularly the railroads. Their role in providing flow protection is high because the railroad beds serve as de facto levees. She said she didn't know what planning efforts they are undertaking to address SLR. She said she didn't know of any planning efforts at the County level to address SLR either.

Commissioner Hughes felt the railroads are difficult to engage if they don't want to be involved. Generally, they like to be brought in at the beginning of a process if they are going to be involved at all.

Commissioner Smith asked if any planning is happening at the State level to address the potential impacts of SLR. Ms. Dempsey said that she wasn't aware of any. He observed that the County's hands were also tied in regards to the crude-by-rail issue because of inaction at the state level.

Ms. Dempsey reported that she made a presentation at the state-wide CUPA conference about the Commodity Flow study. It was brought up at that time that because the Department of Transportation ultimately funded that study, they might be willing to influence the rail roads to participate in a local planning effort.

Michael Kent asked Ms. Dempsey thought it would be possible for the County to pursue grants to address the vulnerabilities identified at the "Pinch Points" referenced in the Commodity Flow Study. Ms. Dempsey thought that it would be possible.

Commissioner Hughes asked if she new of any planning efforts happening at the federal level. She said that she wasn't aware of any.

Jan Warren mentioned that Congressman Mark DeSaulnier is on the Transportation Committee, so it would be a good idea to talk to him to see what he thinks could be done.

Ms. Dempsey said there needs to be a commitment to provide resources to complete projects to address this issue, and the Commission could ask the Board of Supervisors to engage at the state and federal level to address this.

Commissioner Hughes asked if the railroads said they would engage in a planning effort around this issue, is the County prepared to do so as well? Ms. Dempsey said that if it were to address the issues raised in the Commodity Flow Study, then yes, but on bigger issues raised by the Adapting to Rising Tides studies, other entities like BCDC would need to be involved. At the County level, private landholders would also need to be involved.

Commissioner Bash asked if there was any media or community outreach about these studies. Ms. Dempsey said there was for the Adapting to Rising Tides (ART) studies, but not for the Commodity Flow study.

Commissioner Bash asked if there are very specific recommendations in the Commodity Flow study for the "Pinch Points", or did it only identify areas where actions are needed, but more specific information needs to be developed to take action. This would be evidence to advocate for additional specific actions. Ms. Dempsey said she would like to see the Board of Supervisors set up a committee to develop specific actions items.

Commissioner Hughes said he would support asking the Board of Supervisors to include the railroads in any planning effort.

Commissioner Bash felt there also need to get other partners in the room. He asked if it would make sense to do a press release about the Commodity Flow study to increase awareness.

Ms. Dempsey said that there was supposed to be a presentation of the ART studies at the Mayors Conference to increase awareness, but she wasn't involved. She did not do a presentation of the Commodity Flow study to the Mayors Conference.

Commissioner Smith observed that she previously mentioned the role of the private sector. Ideally any planning effort would be a public/private partnership. He asked if Ms. Dempsey knew what major oil or power companies are doing to plan for SLR? Ms. Dempsey said that she had engaged CAER and gave them the report.

Jan Warren asked Ms. Dempsey if she had presented the Commodity Flow study to the Sustainability Commission. Ms. Dempsey said that she had not, but she had told the staff person to the committee about the report. Commissioner Hughes asked if she had shared it with BCDC, and she said she had.

Michael Kent mentioned that a lobbyist for the rail industry had told him that he would be willing to speak to the Commission about rail issues if the Commission was interested.

The committee then discussed what the next appropriate step for them should be on this issue, and agreed that the Commission should ask the Transportation, Water and Infrastructure Committee to address this issue further, and directed staff to draft a letter to that effect for the Commission to consider at their next meeting.

Commissioner Youngs added that down the road, some press attention to this issue might then be appropriate.

5) New Business:

a) Determine committee priorities for 2021

The committee reviewed the priorities that were developed at the January 15, 2020 Planning and Policy Development committee meeting.

Commissioner Smith felt the issues of most pressing interest were the transition of the two of the refineries in the County to alternative fuels, AB 617 implementation and a follow-up status on PFOS. The committee agreed.

6) Items of Interest: None

7) Plan Next Agenda: The committee would address the next Steps for Sea Level Rise issue.

8) Adjournment – The meeting was adjourned at 5:30.